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VIA CM/ECF

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The Honorable John L. Sinatra, Jr.
United States District Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

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Re: *Galbraith, et al. v. City of Buffalo, et al.*,
Case No. 23-cv-814

Dear Judge Sinatra:

We represent Veolia Water North America-Northeast, LLC and Veolia North America, LLC in this case. We write on behalf of all Defendants to inform the Court that Defendants intend to file a motion to strike the class allegations under Rules 12(f) and 23(d), and propose that the briefing schedule for the motion to strike take place on the same schedule as for the motion to dismiss for failure to state a claim.

We have conferred with plaintiffs' counsel regarding the motion to strike, who stated their position that any motion to strike would be untimely under Rule 12(f) because in their view Veolia had 21 days from the date of the Court's February 12, 2024 ruling to file such a motion. But in its August 16, 2023 order, the Court granted the parties' request to await resolution of the motion to remand "before setting a deadline to respond to the complaint." Dkt. 11 (Aug. 16, 2023 Text Order). The Court thereby stayed any deadline to file a Rule 12(f) motion, and that stay did not lift until the Court ordered "[r]esponses to the complaint" to be filed on April 5, 2024. Dkt. 29 (Mar. 4, 2024 Text Order).

Other than objecting to the timeliness of Defendants' anticipated motion, plaintiffs' counsel consents to the proposed briefing schedule. We will be prepared to discuss the motion to strike, along with any other issues the Court would like the parties to address, during the status conference scheduled for March 13, 2024.

We thank the Court for its consideration.

Respectfully,

Mayer Brown LLP

By: /s/ Matthew D. Ingber
Matthew D. Ingber

cc: All Counsel of Record